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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,065	01/16/2004	Donald D. Dow	23,085-13	1973

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PATENT DEPARTMENT
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EXAMINER

HAN, JASON

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/760,065	Applicant(s) DOW ET AL.	
	Examiner Jason M Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/9/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstone (U.S. Patent 5207495) in view of Knutson (U.S. Patent 5295742).

3. With regards to Claim 1, Ahlstone discloses a graphic arts light box including:

- a reflector assembly [Figures 1-18: (80)] having a base [Figure 10: (86-87, 89-92)] with an upper peripheral edge defining an inner cavity [Figure 10: (64)], a light source [Figures 1-18: (70, 71)] disposed within the cavity, and a cover plate [Figures 1-18: (63)] disposed over the interior volume;
- a carrying case [Figures 1-18: (10)] having a top portion [Figures 1-18: (110)] and a bottom portion [Figures 1-18: (11)], whereby the top and bottom portions are movable between a first closed position [Figure 8] and a second open position [Figure 10], and wherein the reflector assembly is received in the bottom portion of the carrying case; and
- a tool tray [Figures 1-18: (120)].

Ahlstone does not specifically teach the tool tray being a divider that is disposed within the carrying case.

Knutson teaches such a divider [Figures 1-6: (200)] within a portable craft tools container.

It would have been obvious to modify the graphic arts light box of Ahlstone to incorporate the divider system of Knutson to ensure a more compact, portable, organized and convenient graphic arts box that sustains a user's equipment during travel. Such a configuration is commonly known and seen in a variety of applications including maintenance boxes, fish tackle boxes, as well as art supply boxes.

4. With regards to Claim 2, Ahlstone in view of Knutson discloses the claimed invention as cited above. In addition, Ahlstone teaches the top portion of the carrying case [Figures 1-18: (110)] being removably secured [Figures 1-18: (111, 112)] to the bottom portion of the carrying case [Figures 1-18: (11)].

5. With regards to Claim 3, Ahlstone in view of Knutson discloses the claimed invention as cited above. In addition, Ahlston teaches the cover plate [Figures 1-18: (63)] being translucent [Column 3, Lines 47-48].

6. With regards to Claim 4, Ahlstone in view of Knutson discloses the claimed invention as cited above. In addition, Knutson teaches the divider [Figures 1-6: (200)] including a palette having a plurality of recesses formed in an upper surface thereof for receiving items therein .

7. With regards to Claim 7, Ahlstone in view of Knutson discloses the claimed invention as cited above. In addition, Knutson teaches a top portion [Figures 1-6: (150)] of a carrying case [Figures 1-6: (100)] including an interior surface that includes a

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divider support that is capable of removably receiving and supporting the divider within the top portion of the carrying case [see Figure 2; note the dimensions of (206)].

8. With regards to Claim 8, Ahlstone in view of Knutson discloses the claimed invention as cited above. In addition, Ahlstone teaches at least one electrical lamp [Figures 1-18: (70, 71)] electrically connected to an electrical power source [Figure 11: (42)].

9. With regards to Claim 10, Ahlstone in view of Knutson discloses the claimed invention as cited above. In addition, Ahlston teaches an AC power source, "As seen in FIGS. 10 and 11, receptacle 40 may carry graphic arts tools or other implements 40a; and as seen in FIGS. 8 and 11, receptacle 41 may carry or receive an electrical power cord 42 in coiled condition, to be extended to plug into an electrical socket when the light box is in use [Column 3, Lines 21-26]."

10. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstone (U.S. Patent 5207495) in view of Knutson (U.S. Patent 5295742) as applied to Claim 1 above, and further in view of Maier (U.S. Patent 5348144).

11. With regards to Claim 4, Ahlstone in view of Knutson discloses the claimed invention as cited above, but does not specifically teach the palette including an opening for grasping by a hand of a user to hold during use.

Maier teaches, "The easel and palette assembly 32 is normally held by the artist by hand. A thumbhole (not shown) is often preferred by artists to grasp a palette. The palette base plate 40, if preferred for the material used for its construction, includes a plurality of knock-out holes 52. The artist is able to remove the knock-out hole 52 of his

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preference and to insert his thumb therein while holding the easel and palette assembly 32 during sketching [Column 5, Lines 55-62; underlines added by examiner for emphasis].”

It would have been obvious to modify the graphic arts light box of Ahlstone with the divider system of Knutson to further incorporate the thumbhole palette of Maier to accommodate artists in grasping the tool/supply tray when working. Such a configuration is preferred among artists, as taught by Maier.

12. With regards to Claim 5, Ahlstone in view of Knutson, and further in view of Maier discloses the claimed invention except for the opening in the palette being triangular. It would have been obvious at the time the invention was made to incorporate a triangular opening, since it has been held that mere changes in shape would be obvious to one ordinarily skilled in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1966).

13. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstone (U.S. Patent 5207495) in view of Knutson (U.S. Patent 5295742) as applied to Claim 8 above, and further in view of Mills et al. (U.S. Patent 4700634).

Ahlstone in view of Knutson discloses the claimed invention as cited above, but does not specifically teach the electric power source including a DC battery source (re: Claim 9) or both a DC battery source and an AC power source (re: Claim 11).

Mills teaches, " If desired, as shown in FIGS. 2 and 3, desk unit 20 preferably incorporates an AC adapter plug-receiving means 35. This allows illumination means 27 to be powered directly from a conventional AC source, using an AC to DC converter which is well known in the art. The incorporation of AC adapter plug-receiving means

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35 allows the user to save battery power, when an AC source is available [Column 4, Lines 12-19; underlines added by examiner for emphasis].”

It would have been obvious to modify the graphic arts light box of Ahlstone with the divider system of Knutson to further incorporate the electric power source of Mills to provide greater flexibility in using the light box, whereby a user may plug into a wall receptacle, when available, to save battery life, or utilize battery power when remote from such a receptacle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 1320537 to Dimond;

US Patent 1374363 to Davis;

US Patent 2127601 to Jaffe;

US Patent D117096 to Good et al;

US Patent 2196863 to Hassenfeld;

US Patent 2257005 to Grosse;

US Patent 2328471 to Leffel;

US Patent 2517914 to Nowaczek;

US Patent 2541890 to Schaperkötter et al;

US Patent 2596043 to Piker;

US Patent 2638397 to Wykoff;

US Patent 3019331 to Geist;

US Patent 3104492 to Banks;

US Patent 3356839 to Mineo et al;

US Patent 3964193 to Degenhardt et al;

US Patent 3967869 to Jackson;

US Patent 4184194 to Shofu;

US Patent 4312507 to Smih et al;

US Patent 4335421 to Modia et al;

US Patent 4406368 to Hermes;

US Patent 4564886 to Morcheles;

US Patent 4592285 to Egli;

US Patent 4654762 to Laverick;

US Patent 4751620 to Wright et al;

US Patent 4794492 to Vinther;

US Patent 4892334 to Sinclair;

US Patent 4908742 to Kersey;

US Patent 4938355 to Rocco;

US Patent 4969068 to Williams;

US Patent 5099581 to Svehaug;

US Patent 5217293 to Kobzeff;

US Patent 5284445 to Dietterich et al;

US Patent 5287254 to Solman;

US Patent 5333408 to Simmons;

US Patent 5432687 to Lane;

US Patent 5459648 to Courtney;

US Patent 5460102 to Pasmanick;

US Patent 5497706 to Yong;

US Patent 5680932 to Dickinson et al;

US Patent 5680973 to Vulpitta et al;

US Patent 5680914 to Reiser;

US Patent 6098793 to Jaksha;

US Patent 6267484 to Baker et al;

US Patent 6315120 to Tally et al;

US Patent 6659620 to Goto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JMH (1/4/2005)



**JOHN ANTHONY WARD
PRIMARY EXAMINER**